HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 194 of 2007

Petitioners Applicants

1. **RIKESH AGRAWAL** S/o Late Mohan Lal Agrawal, aged about 29 years,
2. **SMT. SANTOSH BAI** W/o Late Mohan Lal Agrawal, aged about 43 years, Occupation – House wife,
3. **KU. SMITA AGRAWAL** D/o Late Mohan Lal Agrawal, aged about 20 years,
4. **KU. MEENU AGRAWAL** D/o Late Mohan Lal Agrawal, aged about 19 years,
5. **KU. NISHAN AGRAWAL** D/o Late Mohan Lal Agrawal, aged about 18 years.

Applicants/petitioners No.3 to 5 are student.
All R/o Purani Basti, Janjgir, Tahsil & District: Janjgir-Champa (C.G.)

Versus

Respondents

1. **STATE OF CHHATTISGARH** Through- Kotwali, Raigarh, District: Raigarh (C.G.)
2. **PRATIMA AGRAWAL** W/o Rikesh Agrawal, R/o C/o Deepak Agrawal, Gopi Talkies Road, Raigarh (C.G.)

Appearance:

Shri Gurudev Sharan, counsel for the petitioners.

Shri Sushil Dubey, Govt. Advoate for the State/ respondent No.1 on advance copy.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

Heard.

This petition is directed against the order dated 23.03.2007 passed in Criminal Revision No. 26/2007 by the Sessions Judge, Raigarh, by which the said Court confirmed the order of framing of charges under Section 498-A read with Section 34 of I.P.C. and Section 3 & 4 of the Dowry

(50)

Prohibition Act against all the petitioners by the Magistrate in Criminal Case No. 147/2006.

Learned counsel for the petitioners raises only one point. His submission is that since no part of cause of action arose in the territorial jurisdiction of Raigarh Court, therefore, the Court at Raigarh was having no jurisdiction to entertain the case and in this view of the matter, the framing of charges by the said Court was also without jurisdiction.

The revisional Court has dealt with this point in Para-6 of the impugned order. It has been held that as per the allegations made in Para 13 of the written complaint, the petitioner No.1 had gone to Raigarh and had demanded a golden *Kada* of 4 *Tolas* and dowry in sum of Rs. 2 lakhs and had said that if such demands are fulfilled, then only he will see the face of the child and mother. In view of the above and also in view of entire allegations of the complaint, the said Court did not interfere with the order of framing of charges.

In the matter of ***Sujata Mukherjee (Smt) Vs. Prashant Kumar Mukherjee, (1997) 5 Supreme Court Cases 30***, the Apex Court held that in a matter of continuing offence of maltreatment and humiliation meted out to the appellant in the hands of all the accused respondents and in such continuing offence, on some occasions all the respondents had taken part and on other occasion, one of the respondents had taken part, as it was, therefore, clause (c) of Section 178 of the Code of Criminal Procedure would be attracted. In the said case, the complaint under Sections 498-A, 506 & 323 of I.P.C. was filed by the wife against her husband, parents-in-law and two sisters-in-law. The allegations of dowry demand, maltreatment and humiliation were made out at the house of in-laws but the specific allegation against the husband was that he had gone to the house of her parents and had assaulted her and in that situation, it was held that clause (c) of Section 178 Cr.P.C.

would be attracted and Magistrate at her parents place, shall also have jurisdiction to entertain the complaint.

In the present case also, Para-13 of the complaint would reveal that while continuing offence of maltreatment and humiliation meted out to the complainant, in the hands of all the accused petitioners, on one occasion, the husband went to Raigarh and committed the acts as are alleged in Para-13. Therefore, in this case also clause (c) of Section 178 Cr.P.C. would be applicable and the Court at Raigarh will also have jurisdiction.

There is no force in the arguments advanced by learned counsel for the petitioners. The petition is not worth admission and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

vatti